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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,574	06/22/2001	Henry C. Yuen	36179/WWM/11	9100

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EXAMINER	
SALTARELLI, DOMINIC D	
ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/807,574	YUEN, HENRY C.	
	Examiner	Art Unit	
	Dominic D. Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 23 is objected to because of the following informalities: In line 1, "form" should be changed to --from--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosser (6,446,261).

Regarding claims 17-19, Rosser discloses a method and system for targeting advertisements to television viewers (col. 13, lines 13-48) that have a television receiver (fig. 1, set top device 44) and a television screen (fig. 1, video screen 56), the method comprising the steps of:

monitoring use of the receiver to develop a viewer profile based on viewer selections (col. 8, lines 4-19 and col. 9 line 49 – col. 10 line 5 and col. 11 line 62 – col. 12 line 16);

transmitting a plurality of advertisements with a television signal to the receiver (col. 13, lines 19-23); and

selectively displaying on the television screen fewer than all the transmitted advertisements at the receiver depending on the viewer profile (col. 13, lines 25-37).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser in view of Klosterman et al. (5,940,073) [Klosterman].

Regarding claims 1, 15, and 16, Rosser discloses a method and system for targeting advertisements to television viewers (col. 13, lines 13-48) that have a television receiver (fig. 1, set top device 44) and a television screen (fig. 1, video screen 56), the method comprising the steps of:

monitoring use of the receiver to develop a viewer profile based on viewer selections (col. 8, lines 4-19 and col. 9 line 49 – col. 10 line 5 and col. 11 line 62 – col. 12 line 16);

transmitting a plurality of advertisements with a television signal to the receiver (col. 13, lines 19-23);

selectively storing fewer than all the transmitted advertisements at the receiver depending on the viewer profile (the receiver device strips off the inserted information, col. 7, lines 46-58, wherein the advertisement data stripped off and stored, col. 13, lines 13-25, are selectively filtered stored for display, since the profile generated is used by the receiver to identify those advertisements specifically of interest to the particular household, col. 3, lines 26-62); and

displaying one of the advertisements on the screen (col. 13, lines 25-33).

Rosser fails to disclose displaying an EPG on the television screen.

In an analogous art, Klosterman teaches displaying an electronic program guide (fig. 4a), providing users with a means to locate and select specific programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Rosser to include displaying an EPG on the television screen, as taught by Klosterman, for the benefit of displaying an electronic program guide that provides users with a means to locate and select programming of interest.

Klosterman additionally teaches displaying advertisements and an electronic program guide on a screen simultaneously (col. 5 line 48 – col. 6 line 4), providing advertisers with additional opportunities to display their promotional material to viewers (col. 5, lines 8-11).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the method disclosed by Rosser and Klosterman to include displaying the advertisements on the screen simultaneously with the EPG, as taught by Klosterman, for the benefit of providing advertisers the additional opportunity to display their promotional material to viewers within the viewer's program guide.

Regarding claim 3, Rosser and Klosterman disclose the method of claim 1, wherein the transmitted advertisements are embedded in a television signal (Rosser, col. 12, lines 19-23).

Regarding claim 4, Rosser and Klosterman disclose the method of claim 3, wherein the receiver receives an analog broadcast (Rosser, col. 7, lines 59-66), and the transmitted advertisements are embedded in the VBI (Rosser, col. 4, lines 15-30 and col. 6, lines 49-67).

Regarding claim 5, Rosser and Klosterman disclose the method of claim 3, wherein the television signal is formatted as a digital video stream (Rosser, col. 7, lines 59-66), wherein the transmitted advertisements are embedded in the video stream (col. 6, lines 49-67, wherein the graphics and video for insertion are included as digitally compressed video signal in an appropriate cosignal such as a spare audio channel).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser and Klosterman as applied to claim 1 above, and further in view of Dedrick (5,724,521).

Regarding claim 6, Rosser and Klosterman disclose the method of claim 1, but fail to disclose maintaining the viewer profile in a secure file at the receiver.

In an analogous art, Dedrick teaches storing person profile information in a secure file (profile is encrypted to protect it from being accessed by any other user, col. 7, lines 37-49), preventing access to sensitive information that may be in the user's profile (col. 7, lines 16-25 lines 37-49).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Rosser and Augenbraun to include maintaining the viewer profile in a secure file at the receiver, as taught by Dedrick, for the benefit of protecting the viewer related information stored in the profile.

7. Claims 7, 8, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser and Klosterman as applied to claim 1 above, and further in view of Rothmuller (5,635,989).

Regarding claims 7, 11, 12, and 13, Rosser and Klosterman disclose the method of claim 1, wherein program category identifiers are associated with programming (Rosser teaches associating 'program category codes' with programs, col. 7, lines 46-58), but fail to disclose storing an EPG database at the

receiver, the EPG database including the time, channel, and program category identifiers of telecast television programs, the EPG displaying step permits viewer to highlight displayed program listings to initiate another action, and the monitoring step retrieves the program categories of telecast television programs selected by the viewer for display on the screen from the EPG database by addressing the time (from using a real time clock) and channel (from monitoring the tuner) of such selected television programs.

In an analogous art, Rothmuller teaches storing an EPG database at a receiver (col. 3 line 60 – col. 4 line 16), the EPG database including the time and channel of telecast television programming (see fig. 2), wherein users are permitted to select programs by highlighting them in the displayed guide (col. 4 line 66 – col. 5 line 3), wherein a monitoring step also takes place by retrieving title information of the programs selected by the viewer for display on screen from the EPG database by addressing the time and channel of such selected television programs (col. 5 line 59 – col. 6 line 22), helping to determine viewing preferences of a user (col. 5, lines 52-58).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Rosser and Klosterman to include storing an EPG database at the receiver, the EPG database including the time and channel of telecast television programming, the EPG displaying step permits viewer to highlight displayed program listings to initiate another action, wherein the monitoring step retrieves information of the programs selected by the viewer

for display on screen from the EPG database by addressing the time and channel of such selected television programs, as taught by Rothmuller, for the benefit of helping to determine viewing preferences of a user. The EPG database also includes the program category information, since the information being compiled to determine user preferences is category information, as taught by Rosser in col. 8, lines 35-38 and shown in figs. 3 and 5.

Regarding claim 8, Rosser, Klosterman, and Rothmuller disclose the method of claim 7, wherein the monitoring step additionally records the time that programs in each category are displayed (Rosser, fig. 3) and the storing step stores an advertisement that matches the category having the longest recorded time (Rosser teaches the categories having the longest recorded times are of the most interest to the user, col. 8 line 56 - col. 9 line 16).

Regarding claim 14, Rosser, Klosterman, and Rothmuller disclose the method of claim 13, and Rosser further suggests including additional factors to assist in the weighting of 'viewing intensity' associated with categories, which determine viewer interest in said categories (col. 9 line 49 – col. 10 line 5), but they fail to teaches the monitoring step counts by category the number of times the other action is initiated.

Examiner takes official notice that it is notoriously well known in the art to maintain a count of viewed category information in systems that create and

maintain viewer profiles. Examples include systems that count the number of programs that fall within particular genres to determine a favorite genre of the viewer, or systems that count the number of programs that include a particular actor to determine the favorite actor of the viewer.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Rosser, Klosterman, and Rothmuller to include counts by category the number of times the other action is initiated, for the benefit of providing an additional factor to assist in creating a more accurate profile of a viewer (a weighting factor for adjusting 'viewing intensity').

8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser, Klosterman, and Rothmuller as applied to claim 7 above, and further in view of Young et al. (5,353,121) [Young].

Regarding claim 9, Rosser, Klosterman, and Rothmuller disclose the method of claim 7, but fail to disclose the EPG displaying step uses the same program category identifiers to compile category program guides.

In an analogous art, Young teaches compiling category program guides for display in an EPG (figs. 14-17), for the benefit of providing theme based guides to assist users in locating desired programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Rosser, Klosterman, and Rothmuller to include compiling category program guides, as taught by Young, wherein the

displaying step uses the same program category identifiers to perform said compiling (movies, sport, specials, and TV fare are used consistently, shown in figs. 14 through 17 of Young).

Regarding claim 10, Rosser, Klosterman, and Rothmuller disclose the method of claim 7, but fail to disclose the EPG displaying step uses different program category identifiers to compile category program guides.

In an analogous art, Young teaches compiling category program guides for display in an EPG (figs. 14-17), for the benefit of providing theme based guides to assist users in locating desired programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Rosser, Augenbraun, and Rothmuller to include compiling category program guides, as taught by Young, wherein the displaying step uses different program category identifiers to perform said compiling (the different category identifiers include movies, sport, specials, and TV fare, shown in figs. 14 through 17 of Young).

9. Claims 20, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser in view of Dedrick.

Regarding claims 20 and 24, Rosser discloses a method and system of collecting viewer profile data for a television receiver comprising monitoring use

of the television receiver to develop a viewer profile based on viewer selections (col. 7 line 59 - col. 8 line 19).

Rosser fails to disclose storing the results in a secure file.

In an analogous art, Dedrick teaches storing person profile information in a secure file (profile is encrypted to protect it from being accessed by any other user, col. 7, lines 37-49), preventing access to sensitive information that may be in the user's profile (col. 7, lines 16-25 lines 37-49).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Rosser to include maintaining the viewer profile in a secure file, as taught by Dedrick, for the benefit of protecting the viewer related information stored in the profile.

Regarding claims 21 and 25, Rosser and Dedrick disclose the method and system of claims 20 and 24, but fail to disclose the step of storing further comprises storing the results in a secure file in which the data cannot be access from outside the television receiver.

Examiner takes official notice that it is notoriously well known in the art to restrict access to profile data stored in a receiver to any device other than the receiver, protecting the user's personal information stored in said profile from being accessed and stolen by an outside entity, such as storing the profile in separate section of memory or as a hidden file that is inaccessible from any computer connected to the receiver over a network.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Rosser and Dedrick to include storing the results in a secure file in which the data cannot be access from outside the television receiver, protecting the user's personal information stored in said profile from being accessed and stolen by a malicious outside entity.

10. Claims 22, 23, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser and Dedrick as applied to claims 20 and 24 above, and further in view of O'Flaherty et al. (6,253,203) [O'Flaherty].

Regarding claims 22 and 26, Rosser and Dedrick disclose the method and system of claims 20 and 24, but fail to disclose the step of storing further comprises storing the results in a secure file from which only anonymous data can be accessed from outside the television receiver.

In an analogous art, O'Flaherty teaches restricting access by third parties to a locally stored database to only being able to access anonymous data for the benefit of enhancing privacy of personalized information yet maintaining controlled access to the data for the benefit of the third parties (col. 4, lines 30-53).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Rosser and Dedrick to include a secure file from which only anonymous data can be accessed from the outside, as taught by O'Flaherty, for the benefit of enhancing privacy of personalized

information yet maintaining controlled access to the data for the benefit of interested third parties.

Regarding claims 23 and 27, Rosser, Dedrick, and O'Flaherty disclose the method and system of claims 22 and 26, wherein the anonymous data is accessed from outside the television receiver by telephone (Rosser, col. 8, lines 45-50).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Augenbraun et al. (5,617,565).

12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Uni 2611

DS

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PRIMARY EXAMINER